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LETTER DATED 25 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

As the representative of the State that serves as chairman in the statutory bodies of the Commonwealth of Independent States (CIS), I have the honour to transmit the statement issued by the Council of the Heads of State of CIS concerning the conflict in and around Nagorny Karabakh, the decision on the length of the presence, composition and tasks of the Collective Peace-keeping Forces in the Republic of Tajikistan, the Constituent Agreement on the Establishment of the Fund for Assistance to the Republic of Tajikistan and the Statute of the Fund for Assistance to the Republic of Tajikistan, adopted on 15 April 1994 at the Moscow Meeting of the Heads of State and Government of the Countries Members of CIS (see annexes).

I should be grateful if you would have the text of this letter and its annexes circulated as an official document of the Security Council.

(Signed) Y. VORONTSOV

Annex I

Statement issued by the Council of the Heads of State of the Commonwealth of Independent States concerning the conflict in and around Nagorny Karabakh

Taking into consideration the statements made by the heads of State of the Azerbaijani Republic and the Republic of Armenia concerning their adoption of measures to end hostilities, the Council of the Heads of State of the Commonwealth of Independent States (CIS) notes that the Nagorny Karabakh conflict is causing irreparable losses to the Azerbaijani and Armenian peoples and the economy and environment of a vast region of Transcaucasia, and that it is affecting the vital interests of other members of CIS and the Commonwealth as a whole.

The Council of the Heads of State of the Commonwealth supports the efforts of the States members of the Commonwealth to find a lasting political solution to the conflict, including the persistent peace-making initiatives of the Russian Federation, and welcomes the peace-making mission of the Inter-Parliamentary Assembly of the States members of CIS.

The Council of the Heads of State of the Commonwealth reaffirms its desire to promote in every way the search for the only possible solution - a compromise. The main priority - indispensable for a settlement - is an immediate cease-fire and the cessation of all hostilities, to be followed by a reliable means of consolidating those achievements. This is a prerequisite for the elimination of the consequences of the tragic confrontation.

The Council of the Heads of State of the Commonwealth appeals to the international community, the Conference on Security and Cooperation in Europe and the United Nations to support the measures that the Commonwealth of Independent States is taking with a view to settling the conflict.

Annex II

Decision on the length of the presence, composition and tasks of the peace-keeping forces in the Republic of Tajikistan

The States parties to the Agreement of 24 September 1993 on Collective Peace-keeping Forces and Joint Measures for Their Logistical Support (hereinafter referred to as "the States parties"),

Considering the Decision of 24 September 1993 on the establishment of collective peace-keeping forces and the commencement of their operations,

Expressing their serious concern at the continuing actions by armed formations from the territory of the Islamic State of Afghanistan, which infringe upon the inviolability of the State border of the Republic of Tajikistan and destabilizes the situation in that country, posing a threat to the peace and security of the entire region,

Noting in this regard the stabilizing role of the Collective Peace-keeping Forces in the Republic of Tajikistan as a deterrent to the renewal of large-scale armed conflicts and a guarantor of the safety of the civilian population,

Considering the request made by the Supreme Council and the Government of the Republic of Tajikistan for an extension of the length of the presence of the Collective Peace-keeping Forces in the territory of the Republic of Tajikistan,

Bearing in mind the readiness of the Republic of Tajikistan to establish a political dialogue with the opposition forces of various orientations,

Reaffirming their desire for further cooperation with the United Nations and the Conference on Security and Cooperation in Europe in peace-making efforts in the Republic of Tajikistan,

Have decided:

1. To extend the length of the presence of the Collective Peace-making Forces in the territory of the Republic of Tajikistan until 31 December 1994. This period may subsequently be changed in accordance with paragraph 2 of the Decision of 24 September 1993 on the establishment of collective peace-keeping forces and the commencement of their operations, and in the light of the situation in the Republic of Tajikistan, in particular, the course of the political settlement and progress in achieving national reconciliation.

2. For the period during which this decision remains in force, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Uzbekistan shall contribute to the Collective Peace-keeping Forces, if they have not already done so, their respective contingents, whose total strength shall be 16,000.

3. The procedure for interaction between the Collective Peace-keeping Forces and the Armed Forces of the Republic of Tajikistan as the State accepting

the Collective Peace-keeping Forces in its territory, shall be established by the Agreement of 24 September 1993 on Collective Peace-keeping Forces and Joint Measures for Their Logistical Support, and also, if necessary, by additional agreements between the Joint Command of the Collective Peace-keeping Forces and the Government of the Republic of Tajikistan.

4. For the period during which this decision remains in force, the Collective Peace-keeping Forces shall perform the following tasks:

(a) assist in the normalization of the situation on the Tajik-Afghan border with a view to stabilizing the overall situation in the Republic of Tajikistan and creating conditions conducive to progress in the dialogue between all interested parties on ways of achieving a political settlement of the conflict;

(b) assist in the delivery, protection and distribution of emergency and other humanitarian aid, create conditions for the safe return of refugees to their places of permanent residence and guard the infrastructure and other vitally important facilities required for the foregoing purposes;

5. Instruct the Ministers for Foreign Affairs of the States parties to request the Security Council and the Secretary-General of the United Nations, and also the Conference on Security and Cooperation in Europe, to consider the possibility of cooperation between the United Nations and the Conference on Security and Cooperation in Europe and the Collective Peace-keeping Forces of the States parties in the Republic of Tajikistan.

6. To appeal to all States parties to the Treaty on Collective Security of 15 May 1992 to take part in the peace-making mission in the territory of the Republic of Tajikistan.

DONE at Moscow on 15 April 1994 in one authentic copy in the Russian language. The authentic copy shall be deposited in the Archives of the Government of the Republic of Belarus, which shall send an certified copy of this Agreement to all the undersigned States.

For the Republic of Armenia:

For the Azerbaijani Republic:

For the Republic of Belarus:

For the Republic of Georgia:

(Signed) E. SHEVARDNADZE

For the Republic of Kazakhstan:

(Signed) E. ASANBAEV

For the Kyrgyz Republic:

(Signed) A. AKAEV

For the Republic of Moldova:

For the Russian Federation:

(Signed) B. YELTSIN

For the Republic of Tajikistan:

(Signed) E. RAKHMONOV

For Turkmenistan:

For Ukraine:

For the Republic of Uzbekistan:

(Signed) I. KARIMOV

Annex III

Constituent Agreement on the Establishment of the Fund for Assistance to the Republic of Tajikistan

In accordance with the Decision of the Heads of State of the States members of the Commonwealth of Independent States of 24 September 1993 on the establishment of a Fund for Assistance to the Republic of Tajikistan, the States signatories to the present Constituent Agreement (hereinafter referred to as the Agreement) have agreed as follows:

To establish the Fund for Assistance to the Republic of Tajikistan (hereinafter referred to as the Fund) as an inter-State organization.

Article 1

The founders of the Fund are:

The Republic of Armenia
The Azerbaijani Republic
The Republic of Belarus
The Republic of Georgia
The Republic of Kazakhstan
The Kyrgyz Republic
The Republic of Moldova
The Russian Federation
The Republic of Tajikistan
Turkmenistan
Ukraine
The Republic of Uzbekistan.

Article 2

The resources of the Fund shall be constituted by:

- Contributions by the States signatories to the Agreement in the form of financial and material resources, works and services;

- Voluntary contributions from States and juridical and physical persons.

Contributions may be made in roubles of the Russian Federation, the national currencies of the States signatories to the Agreement, freely convertible currency, or equipment, property and other tangible assets.

The procedure for disbursement of the resources of the Fund and the verification of its utilization for the intended purposes shall be determined in accordance with the Statute of the Fund.

Article 3

The organs of the Fund shall be the Board of the Fund, the Executive Directorate of the Fund and the Audit Commission of the Fund.

The supreme management organ of the Fund shall be the Board of the Fund, which shall be composed of one plenipotentiary representative from each of the States signatories to the Agreement at the rank of Deputy Head of Government. Decisions of the Board of the Fund shall be adopted by the procedure defined in the Charter of the Fund.

Article 4

The Fund shall be a juridical person.

The location of the Executive Directorate of the Fund shall be Dushanbe, Republic of Tajikistan.

The Fund may open departments, subsidiaries, missions and rouble and foreign currency accounts in the States signatories to the Agreement.

The activity of the Fund shall be regulated by the Agreement and the Charter of the Fund, which constitutes an integral part of the Agreement.

Article 5

The Fund shall be open for accession by other States sharing its purposes and objectives.

Article 6

Amendments may be made to the present Agreement and the Statute of the Fund with the consent of all States signatories to the Agreement.

Article 7

The present Agreement shall enter into force on the date of its signature. DONE at Moscow on 15 April 1994 in one authentic copy in the Russian language. The authentic copy shall be deposited in the Archives of the Government of the Republic of Belarus, which shall send a certified copy of it to the States signatories to the present Agreement.

For the Republic of Armenia:

(Signed) L. TER-PETROSSIAN

For the Azerbaijani Republic:

(Signed) G. ALIYEV

For the Republic of Belarus:

(Signed) M. GRYB

For the Republic of Georgia:

(Signed) E. SHEVARDNADZE

For the Republic of Kazakhstan:

(Signed) E. ASANBAEV

For the Kyrgyz Republic:

(Signed) A. AKAEV

For the Republic of Moldova:

(Signed) M. SNEGUR

For the Russian Federation:

(Signed) B. YELTSIN

For the Republic of Tajikistan:

(Signed) E. RAKHMONOV

For Turkmenistan:

For Ukraine:

(Signed) L. KRAVCHUK
(Subject to ratification by the Verkhovna Rada of Ukraine)

For the Republic of Uzbekistan:

(Signed) I. KARIMOV

Annex IV

Statute of the Fund for Assistance to the Republic of Tajikistan

I. General provisions

Article 1

The Fund for Assistance to the Republic of Tajikistan (hereinafter referred to as the Fund) is an inter-State organization.

The Fund is established in accordance with the decision of the Council of Heads of State of the Commonwealth of Independent States of 24 September 1993.

Article 2

The Fund shall operate in accordance with the norms and principles of international law, documents adopted within the framework of the Commonwealth of Independent States and the present Statute.

II. Purposes and objectives of the Fund

Article 3

The purpose of the Fund shall be to support the efforts of the leadership of the Republic of Tajikistan to normalize the social and economic situation in the Republic.

Article 4

The objectives of the Fund shall be:

- To accumulate financial contributions;
- To account for the receipt and disbursement of resources;
- To attract additional resources;
- To participate in financing programmes for the rehabilitation and development of afflicted regions, sectors and facilities;
- To monitor the effective utilization for the intended purposes of the financial, material and other assistance provided out of the Fund's resources.

III. Participants in the Fund

The founders of the Fund shall be the States signatories to the Constituent Agreement on the Establishment of the Fund for Assistance to the Republic of Tajikistan (hereinafter referred to as the Agreement).

Article 6

States and juridical and physical persons sharing the purposes and objectives of the Fund (hereinafter referred to as participants in the Fund) may participate in the activity of the Fund.

IV. Juridical status of the Fund

Article 7

The Fund shall be a juridical person. Its rights in this capacity shall be acknowledged in the territory of the States signatories to the Agreement.

The location of the Executive Directorate of the Fund shall be Dushanbe, Republic of Tajikistan.

Article 8

The Fund may for the conduct of its activity open departments, subsidiaries and missions, and authorize other juridical or physical persons to engage in the necessary activities not in conflict with the Statute of the Fund.

The Fund may not engage in production and commercial activity.

Article 9

For the attainment of its purposes and objectives, the Fund shall have the right to conclude agreements, buy and sell movable and immovable property, appear as a plaintiff or respondent in the courts and cooperate with other organizations.

V. Structure and organs of the Fund

Article 10

The supreme management organ of the Fund shall be the Board of the Fund.

The Board of the Fund shall consist of one plenipotentiary representative from each of the States signatories to the Agreement.

Article 11

The Chairman of the Board of the Fund shall be elected by the members of the Board of the Fund by a qualified majority (two thirds) of votes, and shall be confirmed by the Heads of Government of the States signatories to the Agreement.

Article 12

The executive organ of the Fund shall be the Executive Directorate of the Fund.

The Executive Director of the Fund shall be appointed by the Board of the Fund. The composition, rights and obligations of the Executive Directorate of the Fund shall be determined by the Regulations approved by the Board of the Fund.

The Executive Directorate shall submit to the Board of the Fund at least twice a year a report on the work undertaken.

The annual report of the Executive Directorate adopted by the Board of the Fund shall be distributed to the heads of Government of the States signatories to the Agreement.

Article 13

To monitor the utilization of the resources of the Fund, there shall be established an Audit Commission, the composition of the staff of which shall be approved by the Board of the Fund.

The composition, rights and obligations of the Audit Commission of the Fund shall be determined by the Regulations approved by the Board of the Fund.

Audits shall be conducted at least once a year. At the decision of the Board of the Fund, special audits may also be conducted.

VI. Resources of the Fund

Article 14

The resources of the Fund shall consist of:

- Contributions from the founders of the Fund in the form of financial and material resources, works and services;

- Voluntary contributions from States and juridical and physical persons.

Article 15

The size of the contributions from the founder States shall be determined by the Heads of Government of the States signatories to the Agreement on the proposal of the Board of the Fund.

Article 16

Decisions regarding the procedure for expenditure and utilization of the resources of the Fund in accordance with its purposes and objectives shall be adopted by the Board of the Fund by a two-thirds vote of Board members.

VII. Reorganization of the Fund or cessation of its activities

Article 17

Issues relating to the reorganization of the Fund or the cessation of its activities, as well as to the utilization of its remaining resources and property, shall be decided upon by the Board of the Fund and confirmed by the Heads of the States signatories to the Agreement.

VIII. Final provisions

Article 18

The present statute shall enter into force from the time of signature of the Agreement.